

APPLICATION NO. 10/013,072
DOCKET NO. P2011/N7696

REMARKS

Claims 1-24 were pending in the above-captioned application, with original claims 16-24 withdrawn due to a restriction requirement. Claims 1 and 15 are amended herein and claim 7 canceled, in order to more clearly define and fully protect Applicant's invention. Reconsideration and allowance of claims 1-6 and 8-15 is respectfully requested.

The amendments made to claims 1 and 15 constitute incorporation of the limitation of claim 7 that the temperature during sparging is maintained steady, "with a temperature variance of no greater than about 10°C;" thus, no new matter is introduced in making the amendments.

All pending claims stand rejected under either 35 U.S.C. §102(b) or 35 U.S.C. §103(a) over Kalback (U.S. 5,198,101). However, since Kalback neither anticipates nor renders obvious the inventions of the rejected claims, these rejections should be withdrawn.

More particularly, Kalback discloses an anisotropic mesophase pitch used for carbon fiber spinning. The present invention is directed to producing an isotropic impregnation pitch for the production of synthetic graphite. Thus, the pitches produced are different in both nature and application. More significantly, the method

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disclosed by Kalback differs in substantial degree from that claimed. Nothing in Kalback discloses maintaining the temperature at a steady level, and certainly not with a temperature variation of no greater than about 10°C, while sparging. Doing so permits control of the pitch softening point while producing a high flash point. Thus, the pitch produced by the process of the present invention is uniquely capable of use as an impregnation pitch, and is different from that of Kalback.

The missing disclosure from Kalback is of consequence to the product produced and is not even remotely suggested, and establishes that Kalback cannot and does not anticipate or render obvious the inventions of the rejected claims. Accordingly, all currently pending claims should be allowed.

CONCLUSION

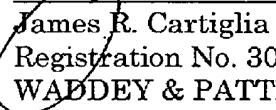
Based on the foregoing amendments and remarks, it is believed the above-captioned application is now in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of claims 1-6 and 8-15, the Examiner is requested to call the undersigned collect at 615.242.2400 to schedule an interview which may further expedite prosecution.

Pursuant to 37 C.F.R. §1.136(a), Applicants' petition the Commissioner to extend the time for responding to the Notice of Non-Compliant Amendment dated May 18, 2004 for 1 month from June 18, 2004 to July 18, 2004. Applicants authorize

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the Commissioner to charge the \$110 fee amount pursuant to 37 C.F.R. §1.17(a)(1) to deposit account 21-0010. The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 21-0010.

Respectfully submitted,



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ATTORNEY FOR APPLICANT

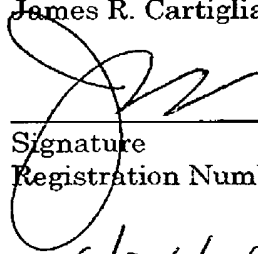
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CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response To Notice of Non-Compliant Amendment, including Request for Extension of Time (8 pages) and Certificate of Facsimile Transmittal (1 page) are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-308-9306 on June 26, 2004.

James R. Cartiglia



Signature

Registration Number 30,738

6/26/04

Date